

IN RE

MARIA DE LA CRUZ ROMERO MARTINEZ

CASE NUMBER: 15-03199-BKT

CHAPTER 13

Debtor(s)

**( A M E N D E D )****TRUSTEE'S OBJECTION TO CLAIM NUMBER 03  
FILED BY US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
NOTICE AND CERTIFICATE OF SERVICE**

TO THE HONORABLE COURT:

COMES NOW, Alejandro Oliveras-Rivera, Standing Chapter 13 Trustee, and very respectfully ALLEGES, STATES and PRAYS:

1. On 05/13/2015 claim number 03 was filed by US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT in the amount of \$6,793.00. The Trustee objects to this claim under the following grounds:

- FBRP 3001(d) requires that the proof of claim filed as secured shall be accompanied by evidence of the security interest. Furthermore, under Puerto Rico Mortgage Law, recording in the Property Registry is essential to the validity of a mortgage. 30 L.P.R.A. 2607. In the instant case, claimant has failed to provide evidence of perfection of security. Furthermore, page 2 paragraph 3 of deed number 3 (filed with of proof of claim) reflects some conditions to receive payments before its maturity date (05/01/2040). Creditor has not established whether one of the conditions have occurred to receive payments under the plan.

2. Debtor is not a member of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidence by the Certificate issued by the U.S. Department of Defense, copy of which is attached only to the original of this motion and movant's copy.

WHEREFORE, it is respectfully requested from this Honorable Court: That the claim be allowed as general unsecured if no evidence of perfection of security is presented. The Trustee further submits that in the eventuality that the above mentioned claimant provides this evidence and if the claim is allowed, pursuant section 502(j) of the Bankruptcy Code, the Trustee will not make payments to this claim for the reasons stated in paragraph 1 of this motion.

**30 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST:** You are hereby notified that you have thirty (30) days from the date of this notice to file an opposition to the foregoing motion and to request a hearing. If no opposition is filed within the prescribed period of time, the trustee's motion will be deemed unopposed and may be granted without further hearing unless (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If a timely opposition is filed, the court will schedule a hearing as a contested matter.

**CERTIFICATE OF SERVICE:** I hereby certify that on this date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that the foregoing has been served to U.S. Trustee at [ustpreion21.hr.ecf@usdoj.gov](mailto:ustpreion21.hr.ecf@usdoj.gov) and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to the non ECF/CM participants: debtor(s), US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 451 7TH STREET S.W. WASHINGTON DC 20410, US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT C/O NOVAD MANAGEMENT CONSULTING LLC 2401 NW 23rd STREET SUITE 1A1 OKLAHOMA CITY OK 73107, ATTORNEY GENERAL FOR THE US US DEPARTMENT OF JUSTICE 950 PENNSYLVANIA AVENUE NW WASHINGTON DC 20530-0001, US ATTORNEY OFFICE STE 1201 TORRE CHARDON 350 CARLOS CHARDON AVE SAN JUAN PR 00918, and parties in interest that have filed notices of appearance, included in the service list attached to the original hereof.

**RESPECTFULLY SUBMITTED** at San Juan, Puerto Rico, this 5/14/2015.

**S/ALEJANDRO OLIVERAS RIVERA**

ALEJANDRO OLIVERAS RIVERA

Chapter 13 Trustee

Department of Defense Manpower Data Center

Results as of : May-14-2015 06:04:27 AM

SCRA 3.0



**Status Report**  
**Pursuant to Servicemembers Civil Relief Act**

Last Name: ROMERO MARTINEZ

First Name: MARIA

Middle Name:

Active Duty Status As Of: May-14-2015

| On Active Duty On Active Duty Status Date   |                      |        |                   |
|---|----------------------|--------|-------------------|
| Active Duty Start Date  | Active Duty End Date | Status | Service Component |
| NA  | NA                   | No     | NA                |
| This response reflects the individuals' active duty status based on the Active Duty Status Date |                      |        |                   |

| Left Active Duty Within 367 Days of Active Duty Status Date   |                      |        |                   |
|---|----------------------|--------|-------------------|
| Active Duty Start Date  | Active Duty End Date | Status | Service Component |
| NA  | NA                   | No     | NA                |
| This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date |                      |        |                   |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date                   |                             |        |                   |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date   | Order Notification End Date | Status | Service Component |
| NA  | NA                          | No     | NA                |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty |                             |        |                   |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: T6C2AA3FQ1D6O80

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

C/O NOVAD MANAGEMENT CONSULTING, LLC  
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OKLAHOMA CITY, OK 73107

ATTORNEY GENERAL FOR THE US

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ROBERTO FIGUEROA CARRASQUILLO\*

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PO BOX 186  
CAGUAS, PR 00726-0186

DATED: 5/14/2015

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/s/ Juan Rivera

OFFICE OF THE CHAPTER 13 TRUSTEE